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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OPERATION IN MOZAMBIQUE

INTRODUCTION

1. The present report is submitted in response to paragraph 14 of Security Council resolution 818 (1993) of 14 April 1993, which requested me to keep the Council informed of developments regarding the full implementation of the provisions of the general peace agreement (S/24635, annex), including on progress in consultations with the Government of Mozambique and the Resistência Nacional Moçambicana (RENAMO) concerning the finalization of the precise timetable for the separation, concentration and demobilization of forces, as well as for the elections, and to submit a further report to the Council by 30 June 1993. The present report covers the period up to 25 June 1993, and brings up to date the activities of the United Nations Operation in Mozambique (ONUMOZ) in implementation of the political, military, electoral and humanitarian aspects of its mandate.

2. Since my last report of 2 April 1993 (S/25518), my Special Representative for Mozambique, Mr. Aldo Ajello, has continued his efforts to promote the peace process in the country in consultation with all parties concerned. He reports that, despite numerous difficulties, the Government and RENAMO, with the assistance of the United Nations, can make the peace process succeed, both having repeatedly reiterated their commitment to this end. It is encouraging that, mutual accusations notwithstanding, there have been no major violations of the cease-fire. However, nine months after the signing of the peace agreement, and despite these positive developments, the delays that were previously reported to the Council have not been entirely overcome and, as indicated below, determined efforts by the two parties will be required to ensure that the peace process regains its momentum.

I. CEASE-FIRE ARRANGEMENTS

3. My previous report to the Security Council (S/25518) detailed the various difficulties of a political, administrative and logistical nature that impeded the rapid deployment of the ONUMOZ military component. I am now pleased to inform the members of the Council that, by the beginning of May, all the main infantry battalions of ONUMOZ were fully deployed and its military infrastructure established in all three operational regions. At present, five infantry battalions from Bangladesh, Botswana, Italy, Uruguay and Zambia and

support units from Argentina, Bangladesh, India, Italy, Japan and Portugal have been deployed, with a total strength of some 6,100 military personnel. An additional unit, a second engineer company from India, is expected in Mozambique at the beginning of July 1993. Over the last month, ONUMOZ units have been providing security in the Beira, Tete and Limpopo corridors and along national highway N1 in order to protect humanitarian convoys using them, until the new Mozambican Defence Forces (FADM) become operational. This ONUMOZ presence is a stabilizing factor, and the situation in the country remains generally calm, without armed attacks in the corridors, except for persistent acts of banditry.

4. Further, the withdrawal of foreign troops provided for in the general peace agreement, has been successfully completed. ONUMOZ observers witnessed the repatriation of Zimbabwean troops from the Beira corridor from 11 to 15 April 1993 and the withdrawal of Malawian troops from the Nacala corridor on 9 June 1993.

5. The operational plan of ONUMOZ also envisages that the military component would monitor and verify the cease-fire, the assembly and demobilization of forces in 49 assembly areas (29 for the Government and 20 for RENAMO) and the collection, storage and destruction of weapons. By 25 June 1993, some 260 military observers of the 354 authorized had been deployed to perform these tasks. The remaining military observers are being kept on stand-by in their home countries and will be deployed to Mozambique as soon as the majority of the assembly areas are operational. As a confidence-building measure, it would be also essential to provide additional patrols and observation, which would involve permanent stationing of military personnel outside assembly areas and transport corridors. For this purpose, the strength of the military units is to be brought up to the levels originally envisaged. These steps will ensure effective arrangements for the transportation, storage, and destruction of weapons, as well as to undertake the complex demobilization procedures that have been approved or are being finalized in the joint commissions.

6. Regrettably, more than eight months after the signing of the general peace agreement, the deadlines for the cantonment of government and RENAMO troops have not been met, resulting in a setback to the peace process. Until now, a main cause of delays in this area has been the difficulty in identifying and obtaining government and RENAMO agreement on acceptable sites that would also be logistically accessible to the ONUMOZ personnel responsible for assisting in maintaining them. Yet another condition set by RENAMO was that at least 65 per cent of the ONUMOZ troops should be deployed in order to guarantee security in RENAMO-controlled territories. These problems have been resolved, but the Government and RENAMO are yet to take decisive steps towards assembly and demobilization. Contrary to the understanding of ONUMOZ that this process would be carried out in stages, both parties are now indicating that they will not be ready to proceed until all 49 assembly areas are operational. This implies that the earliest feasible date for full assembly would be early September 1993. RENAMO recently proposed that government militias and paramilitary formations should be disbanded before troop assembly starts. Neither of the above-mentioned proposals is supported by the provisions of the general peace agreement, and my Special Representative has repeatedly stressed that, while the military situation in Mozambique remains calm, this relative peace will remain fragile until the demobilization is completed and FADM is formed.

7. At present, a total of 13 assembly areas has been approved by the Cease-fire Commission (CCF), 6 of which (3 each for the Government and RENAMO) have been fully prepared and declared ready by ONUMOZ. However, the formal decision to start the process must still be made by the Supervisory and Monitoring Commission (CSC) after the concurrence of the Government and RENAMO is obtained. It is also obvious that there will be many daunting problems involved in the demobilization of several tens of thousands of soldiers and their smooth transition into civilian life. Since mid-April, ONUMOZ military observers have also been involved in the resettlement of some 16,000 government soldiers who were formally demobilized, along with their dependants, prior to the signing of the general peace agreement. The process of registering these soldiers for return to their places of choice began on 17 April 1993 in Maputo province, under ONUMOZ supervision and was concluded on 21 May 1993. By that time, 13,717 soldiers had been registered, more than 7,000 of whom were resettled by 25 June 1993.

8. The active participation and cooperation of the donor community and international financial institutions will be indispensable to assure the success of the reintegration of ex-combatants into civilian life. The United Nations Development Programme (UNDP) and other United Nations programmes and agencies, which are already planning activities in this area, will actively assist in making this a viable project. However, the Government, and Mozambican society itself, must bear the main responsibility for the success of this process. It should be noted here that the unavailability of equipment and supplies for ONUMOZ in the mission area, which must therefore be imported from distant sources, adds substantially to the cost of the operation, besides being very time-consuming. A possible solution might be to authorize ONUMOZ to purchase immediate requirements and to obtain services as far as possible from countries in the region.

9. The status-of-forces agreement between the Government of Mozambique and the United Nations was signed in New York on 14 May 1993. As anticipated in my previous report to the Council, this has greatly facilitated the entire work of ONUMOZ, and especially the deployment of its military component.

II. FORMATION OF MOZAMBICAN DEFENCE FORCES

10. Under the terms of the general peace agreement, the formation of the new FADM was to begin immediately after the cease-fire was established and was to be conducted simultaneously with the concentration, disarmament and integration into civilian life of the demobilized personnel. Each side was to contribute an equal number of troops. Delays in this regard have been of particular concern and are linked with delays already pointed out in implementing other major elements of the peace plan. In particular, RENAMO failed to send the first wave of its personnel who were to be trained, together with government personnel, by United Kingdom specialists in the military centre in Nyanga (Zimbabwe). The United Kingdom Government has conveyed to me its disappointment at having to keep its military instructors there for more than five months in anticipation of the arrival of the Mozambican trainees. It is essential, therefore, that RENAMO should urgently take this first step of sending its military personnel to the Nyanga training centre, and I hope that the United Kingdom Government will be in a position to continue to extend its assistance to the training programme.

11. The Joint Commission for the Formation of the Mozambican Defence Force (CCFADM) is expected to start work only in July 1993, the continued delay being primarily attributable to RENAMO's unreadiness to keep its delegation in Maputo (see para. 12 below). To ensure impartiality in the Commission's work, the two parties and the observers have formally requested my Special Representative to assume chairmanship of this important commission and to provide effective secretariat services, which functions were not envisaged by the general peace agreement (see para. 26 below).

III. POLITICAL ACTIVITIES

12. The political process in Mozambique continued its chequered course, and limited progress was made between March and the end of May 1993 in the implementation of the general peace agreement. This was due mainly to RENAMO's withdrawal of its delegation from Maputo on the grounds that its members were not provided with proper accommodation, transport and communications facilities. In accordance with protocol III of the general peace agreement, the Government had made several offers to RENAMO of office space and accommodation in Maputo. Subsequently, the Government, in coordination with ONUMOZ, also interceded on RENAMO's behalf with the international community. A trust fund for receiving voluntary contributions and channelling funds to RENAMO was established on 10 May 1993 under rules and procedures conforming to standard United Nations practice. Italy has contributed almost $6 million to the fund, and a number of Member States have announced their intention to contribute. The fund will be used, among other things, to provide RENAMO with office space, accommodation and equipment. Meanwhile, RENAMO is temporarily accommodated in a hotel in Maputo and in 18 houses provided by the Government.

13. At the end of May 1993, RENAMO delegates returned to Maputo to participate first at informal meetings to prepare for the resumption of the work of the commissions, and subsequently at meetings of the joint commissions. The work of CSC and CCF successfully resumed on 3 June 1993, and the Commission for Reintegration (CORE) was convened on 11 June 1993. Both parties recently presented each other with a full list of delegates to all the commissions, including CCFADM, which has since held its first meeting. Also recently, the President of Mozambique appointed members of the National Information Commission (COMINFO) and the Police Affairs Commission (COMPOL).

14. Further, there has been progress in mine-clearance. Of a total of $19 million now available, $15 million has been designated for the demining of priority roads and a nationwide mine survey; the remaining $4 million will be used to fund other aspects of the nationwide demining plan, such as a mine-clearance training facility and a mine-awareness programme.

15. The establishment of two very important bodies, the National Elections Commission (NEC) and the Commission of State Administration, are still pending. The latter is of particular significance, as the RENAMO leadership has declared in public statements that it will not allow members of the Mozambique Liberation Front (FRELIMO) to conduct political, social or economic activities in RENAMO-controlled territory. It should be kept in mind that moves that obstruct the extension of government administration throughout the country would be in violation of the spirit and letter of the general peace agreement. A positive

factor is that, after active encouragement from my Special Representative, both President Joaquim Alberto Chissano and Mr. Afonso Macacho Marceta Dhlakama, President of RENAMO, have agreed to meet in Maputo in July 1993.

IV. PREPARATION FOR THE ELECTIONS

16. On 26 March 1993, the Government prepared and distributed the text of a draft electoral law to the political parties, and a multi-party consultative meeting to discuss this document was convened on 27 April 1993. However, RENAMO refused to attend the meeting on the grounds that it had not had sufficient time to study the text. The 12 smaller parties, which constitute the so-called "unarmed opposition", did attend, but walked out after having presented a declaration demanding material and financial support for the establishment of their party headquarters and alleging that there had been insufficient time for them to analyse the draft. These parties also proposed that, before the elections were held, a new Government be established for a transitional period.

17. In the absence of initiatives from any party to break the resulting impasse, several Member States attending the Follow-up Donors' Meeting that was held in Maputo on 8 and 9 June 1993 (see para. 19 below) stressed their concern over the delays in the peace process and urged the parties to resume discussions without delay in order for the elections to be held by October 1994. This made it evident that the international community stands ready to support the peace process, but at the same time is increasingly frustrated by the accumulated delays and considers any further procrastination unacceptable. On 16 June 1993, the Minister of Justice of Mozambique took a step towards breaking the deadlock by inviting all political parties to an informal meeting to set a new date for the discussion of the draft electoral law. An understanding was reached that the parties, including FRELIMO and RENAMO, would reconvene for that purpose during the first half of July 1993. The Government also announced that, in response to the demands of the "unarmed opposition", it had set aside housing for the first three registered parties prepared to move in before the end of June 1993; it also agreed to allocate funds from its 1994 budget to political parties for use during the political campaign. These are positive decisions which, if fully implemented, could make an important contribution to the success of the electoral process.

V. HUMANITARIAN ASSISTANCE PROGRAMME

18. The major goal of the humanitarian assistance programme in Mozambique is to address effectively the reintegration needs of all Mozambicans and particularly the humanitarian needs of those who are now returning to resettle in their original communities. It is projected that over 5.5 million Mozambicans will resettle during the next two years. This figure includes about 4 million internally displaced persons, 1.5 million refugees and 370,000 demobilized soldiers and their dependants. This situation has necessitated the programme's shift in emphasis from emergency humanitarian relief towards reintegration and rehabilitation. Support for the repatriation process, the demobilization of armed forces, emergency relief and the restoration of essential services constitute the main components of the current consolidated humanitarian assistance programme for 1993-1994.

19. The details of this programme were presented at the Follow-up Donors' Meeting which, as a sequel to the Donors' Conference on Mozambique held in Rome on 15 and 16 December 1992 and on the basis of article VII of the general peace agreement, was convened in Maputo on 8 and 9 June 1993 under the joint chairmanship of the United Nations and the Government of Italy. The implementation of this programme will require $559.6 million for a 12-month period, from May 1993 to April 1994. Against this total requirement, $450 million had been pledged during the Rome Donors' Conference and afterwards. Additional pledges totalling $70 million were announced at the Follow-up Donors' Meeting. Having recognized the humanitarian assistance programme as an integral part of the peace process that aims at reconciliation and reconstruction in Mozambique, this meeting also highlighted the complementarity between activities in the humanitarian field and those undertaken in the political area.

20. My Special Representative and the Director of the humanitarian assistance programme, together with the heads of United Nations operational agencies and representatives of the International Committee of the Red Cross (ICRC) in Mozambique, met recently with the leaders of RENAMO to discuss problems related to the provision and distribution of humanitarian relief in RENAMO-controlled areas. It was agreed by all concerned that humanitarian organizations would have unimpeded access to all Mozambicans who are in need of humanitarian assistance and live in areas under RENAMO control. As of 16 June 1993, 19,387 tons of food, 1,729 tons of seed, 1.18 tons of soap and 290,777 units of tools, blankets and other non-food items were distributed in those areas. On 12 June 1993, the Office of the United Nations High Commissioner for Refugees (UNHCR) launched its programme to repatriate Mozambican refugees by organizing the start of the voluntary return of the estimated 250,000 Mozambicans now in Zimbabwe.

VI. NEW TIMETABLE FOR THE PEACE PROCESS

21. The experience of the past several months has demonstrated clearly that the original timetable contained in the general peace agreement, which anticipated that the elections would be held in October 1993, was overambitious and needs to be reviewed in close consultation with the Government and RENAMO. This issue has been raised on numerous occasions by my Special Representative with President Chissano and Mr. Dhlakama. Other interested parties, observer States, United Nations agencies and the donor community in Maputo have also been closely consulted, with a view to determining a realistic deadline for the extension.

22. The core of the new timetable under discussion is the length of time required to complete the demobilization and the formation of the new army, which are prerequisites for the holding of elections. As envisaged in the adjusted time-frame, the first assembly areas were ready to be opened by 21 June 1993. The timetable also calls for the concentration and demobilization of troops to start on 1 July 1993. During the first two weeks of July 1993, the first group of government and RENAMO soldiers should be sent for training in Nyanga, and the formation of FADM would then begin on 1 September 1993, which would coincide with the opening of the last assembly areas. At the same time, the Electoral Law would be approved by the end of July 1993. Since the registration document, on which the Government insists in the draft Electoral Law, requires the use of photographic equipment and high security grade paper materials for which

procurement and delivery will require at least several months, registration will not start before the end of 1993. However, as the rainy season extends from November to March, it is foreseen that the three-month registration period can begin only in April 1994, which would allow the elections to be held by September-October 1994. This would constitute a rather tight schedule, and any major delays would result in a significant postponement of the elections until May-June 1995, after the next rainy season.

23. While the general parameters of the new timetable have been thoroughly discussed, I am still awaiting final agreement from both parties. Meanwhile, during the recent Follow-up Donors' Meeting in Maputo, donors urged the Government and RENAMO to finalize as soon as possible a precise timetable for the full implementation of the provisions of the general peace agreement and stated that they were strongly in favour of holding the elections by October 1994. I hope to be in a position shortly to obtain a firm agreement of the parties to a new timetable, and shall submit my recommendations on the extension of the mandate of ONUMOZ and its financial implications to the Council in due course.

VII. OBSERVATIONS

24. After unfortunate delays between March and May 1993, determined efforts have resulted in forward movement of the peace process in Mozambique. All parties have had time to reflect on their positions. Many positive developments have occurred during the reporting period: the virtually full deployment of ONUMOZ in various regions of the country, the establishment of the Trust Fund to assist RENAMO and the resumption of the work of many of the joint commissions. These, together with a massive international effort in the humanitarian field, with a sharp increase in the return of refugees and displaced persons, have created a firm foundation for advancing the peace process.

25. The fact that the general peace agreement is being implemented, albeit with delays, is clear proof of the desire of the people of Mozambique for the return of peace. However, unless its major provisions are implemented, this promising environment will remain fragile and the future of the country will continue to be uncertain, at best. The United Nations will of course continue to sustain and assist in the implementation of the peace process, but it cannot move it forward by itself. Much would now depend on the two Mozambican parties themselves; their intentions will be increasingly judged by their deeds.

26. It is essential, therefore, that the Government and RENAMO now commit themselves to accelerating the whole peace process in Mozambique. Much time has already been lost; there should be no further delay in finalizing a new and realistic timetable for the implementation of the peace plan. For the plan to succeed, the cantonment and demobilization of troops should start in the coming days and weeks and be completed early in 1994. It would be equally important to ensure that the training of the new army, a vital prerequisite for a democratic and stable environment in Mozambique, be initiated as soon as possible in order to keep the agreed timetable on track. To assist in facilitating this process, I would be ready to accede, with the consent of the Security Council, to the request that ONUMOZ assume chairmanship of CCFADM, on the strict understanding

that this would not entail any obligation on the part of the United Nations for training or establishing the new armed forces.

27. The start of preparations for the elections in an atmosphere of tolerance and reconciliation is a matter of high priority. While the international community remains supportive of all positive trends in Mozambique, it would, I am convinced, react negatively to further procrastination by any party or to the introduction of new conditions for proceeding with the implementation of the peace agreement. The scarcity of international resources does not lend itself to sustaining indefinite commitments. There is a pressing need to renew and sustain the momentum towards attaining lasting peace in Mozambique. In such a complex process, it would be inadmissible to allow further postponements. If the Government and RENAMO maintain their political commitment and if the international community is assured that the implementation of the Rome accords would proceed at a brisk pace, the process could succeed and elections could be held not later than October 1994. I do not see any viable alternative.

28. It was opportune that I was able to review the situation in Mozambique with President Chissano on 26 June during the meeting of the Assembly of Heads of State and Government of the Organization of African Unity in Cairo. I am pleased to report to the Council that the President reiterated his commitment to make every effort to overcome the difficulties and delays encountered, in order to ensure the success of the peace process. I am confident that RENAMO also will endeavour to achieve this vital goal.

29. I would like to take this opportunity to pay tribute to my Special Representative, to the Force Commander, Major General Lelio Goncalves Rodrigues da Silva, and to the military and civilian personnel of ONUMOZ who are tackling with determination and dedication the difficult task of helping the people of Mozambique to achieve lasting peace and democracy in their country.

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NOTE VERBALE DATED 28 JUNE 1993 FROM THE PERMANENT MISSION OF BRAZIL TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Brazil to the United Nations presents his compliments to the Secretary-General of the United Nations and, pursuant to paragraph 13 of Security Council resolution 841 (1993), which came into force on 23 June 1993, has the honour to inform him that, by a decree dated 22 June 1992 and published on 24 June 1992, the Brazilian Government incorporated into national law all the measures recommended by resolutions MRE/RES.1/91, MRE/RES.2/91 and MRE/RES.3/92 adopted by the Foreign Ministers of the Organization of American States (OAS) imposing a trade embargo on Haiti and which are consistent with the provisions of paragraphs 5 to 14 of Security Council resolution 841 (1993).

Following the publication of the Decree, a copy of which is enclosed, the Permanent Representative of Brazil to OAS, upon instructions of the Brazilian Government, informed the Secretary-General of OAS that there were no records, prior to 11 June 1992, of Haitian assets in Brazil and that no financial transactions or remittances of funds had taken place from Brazil to Haiti since the adoption of the relevant resolutions by the Foreign Ministers of OAS. The Permanent Representative of Brazil to OAS further stated that Brazil did not entertain any programme for military, police or security cooperation with Haiti and that, since the adoption by OAS of the recommendation of the embargo, there were no records of exports of weapons, ammunitions or other military matériel to Haiti from Brazil.

The Permanent Representative of Brazil to the United Nations would request the Secretary-General of the United Nations to transmit the information provided herein to the Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti.

Annex

Decree of 22 June 1992

Provides for the implementation in the national territory of resolutions MRE/RES.1/91, MRE/RES.2/91 and MRE/RES.3/92, adopted by the ad hoc meetings of the Foreign Ministers of the States members of the Organization of American States

The President of the Republic, in the use of the competence imposed on him by article 84, paragraph IV, of the Constitution,

DECREES:

Article 1. The Brazilian authorities are hereby obliged to implement, within the purview of their competence, the provisions contained in the enclosed resolutions MRE/RES.1/91, MRE/RES.2/91 and MRE/RES.3/92, adopted by the ad hoc meetings of the Foreign Ministers of the Organization of American States on 3 and 8 October 1991 and 17 May 1992, respectively.

Article 2. This Decree will come into force on the date of its publication.

Brasilia, 22 June 1992, 171st year of Independence and 104th year of the Republic.

FERNANDO COLLOR
Célio Borja
Mário César Flores
Carlos Tinoco Ribeiro Gomes
Celso Lafer
Sócrates da Costa Monteiro
Marcílio Marques Moreira

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LETTER DATED 2 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF ARMENIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to you a fax-transmitted copy of the statement issued today by the Nagorny Karabakh State Defence Committee.

I should be grateful if you would circulate this as a document of the Security Council.

(Signed) Alexander ARZOUMANIAN
Permanent Representative

Annex

[Original: Russian]

Nagorny Karabakh Republic

State Defence Committee

On 2 July at 0600 hours, after bombing raids carried out by low-flying attack aircraft of the Azerbaijani airforce, armed formations of Azerbaijan, supported by tanks and artillery, began large-scale offensives in the Gadrut district of the Nagorny Karabakh Republic. They managed to break through the defences and capture the villages of Zamzur, Dor, Melikhdzhandy and Bulutan. Fighting is taking place on the outskirts of the district centre of Gadrut. The village of Dapravend, in the direction of Mardakert, was also captured.

This latest escalation of Azerbaijani aggression was preceded by war hysteria whipped by the mass media and calls by the leaders of the Azerbaijani Republic to move all forces to the Karabakh front. This deliberate transfer of units to the frontiers of Nagorny Karabakh, and the statement issued by the Ministry of Foreign Affairs of Azerbaijan - a statement unprecedented in its mendacity - are eloquent proof of the intentions of the Azerbaijani authorities.

Yet again, the leaders of Azerbaijan are provoking, with perfect impunity, an escalation of hostilities in order to achieve their political aims and are attempting to frighten the war-weary Azerbaijani people with the spectre of an external enemy, hoping to divert their attention from the internal political crisis.

Once again, the authorities of Azerbaijan are attempting to play the Karabakh card, in defiance of the efforts of the Security Council and the Conference on Security and Cooperation in Europe to achieve a peaceful settlement of the conflict, and the clearly stated readiness of the Nagorny Karabakh Republic for a cease-fire.

In the interests of the security of the population of the Republic, the Government of the Nagorny Karabakh Republic will take all necessary measures to restrain the aggressor.

The leaders of Azerbaijan bear full responsibility for the consequences of the escalation of hostilities in the region.

(Signed) Robert KOCHARYAN
Chairman of the State Defence Committee
of the Nagorny Karabakh Republic

Stepanakert
2 July 1993.

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LETTER DATED 2 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF ARMENIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to you a fax-transmitted copy of the statement issued today by the Ministry of Foreign Affairs of the Republic of Armenia.

I should be grateful if you would circulate this as a document of the Security Council.

(Signed) Alexander ARZOUMANIAN
Permanent Representative

Annex

Statement issued on 2 July 1993 by the Ministry of Foreign Affairs of the Republic of Armenia

The Ministry of Foreign Affairs of the Republic of Armenia is concerned with the instability and uncertainty in Azerbaijan and with the negative impact these have had on processes leading to democracy and peace in the region.

The situation in Baku is fraught with danger as different parties and leaders are willing to use any means, including renewed military operations against Nagorny Karabagh, to achieve political goals.

The Government of Armenia is particularly disturbed by the statements being released by the Ministry of Foreign Affairs of Azerbaijan regarding military activities in and around Nagorny Karabagh. The Ministry of Foreign Affairs of Armenia considers it below its dignity to respond to statements which have little to do with the situation on the ground.

Repeated accusations against the Republic of Armenia by Azerbaijan reflect a loss of a sense of reality and proportion rather than a steady policy and clear direction in that republic. The authorities in Baku - which have imposed censorship on their own newspapers - seem to find it easier to flood the international media with accusations against Armenia rather than deal with the crises of democracy and legitimacy in Azerbaijan.

The Government of Armenia is confident that the international community will see Azerbaijan's propaganda campaign for what it is: a futile attempt motivated by domestic problems aimed at the covering up of continuing Azerbaijani bombardment by heavy artillery and military aviation of the civilian population of Nagorny Karabagh.

However much Armenia, Nagorny Karabagh and the international community may be used to the irrational behaviour and unpredictability in Azerbaijani policies, Armenia must still express its deep concern regarding Azerbaijan's inability and unwillingness to commit itself fully to and sustain the CSCE Minsk Group peace initiative.

Continuing military operations by Azerbaijani forces - whether controlled by Baku or by uncontrolled armed groups - and the accompanying campaign of misinformation can only weaken the confidence of the parties in the initiative and strengthen the position of those in the region who oppose the current process leading to the interruption of hostilities and a peaceful resolution of the conflict.

Under the circumstances Armenia will be unable to resist doubts regarding the seriousness and ability of Azerbaijan to believe in and implement the Minsk Group plan. Armenia, as well as Nagorny Karabagh, are wondering whether they will ever have a partner in peace in Azerbaijan, a partner sufficiently stable, reliable and consistent to sustain a dialogue, a partner that can appreciate the restraint shown during these difficult days for Azerbaijan.

The Government of Armenia hopes that Azerbaijan will be able to resolve its internal problems and, with the international community, focus on the establishment of a durable cease-fire in the region and the peaceful resolution of the problem of Nagorny Karabagh.

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LETTER DATED 2 JULY 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the letter dated 2 July 1993 of H.E. Mr. Vladislav Jovanovic, Deputy Prime Minister and Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to the Co-Chairmen of the International Conference on the Former Yugoslavia.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Chargé d'affaires a.i.

Annex

I wish, first of all, to express my satisfaction at our recent meeting in Geneva within the International Conference on the Former Yugoslavia and its successful outcome, to which you made a significant contribution.

According to the practice of an open and sincere exchange of views, I take this opportunity to bring to your attention the serious problem we are facing concerning the Working Group on Succession Issues, owing to the renewed activity of the so-called Badinter Commission.

In this connection, I wish to inform you about the decision of the Government of the Federal Republic of Yugoslavia to withdraw its representatives from and to discontinue, on a temporary basis, its participation in the Working Group on Succession Issues of the International Conference on the Former Yugoslavia pending discontinuation of the work of the so-called Badinter Commission for the reasons which we have indicated on several occasions.

The substantiated reasons underlying the decision of the Federal Republic of Yugoslavia not to accept the competence of the so-called Badinter Commission as a body for settlement of disputes through arbitration have been presented in the statement by the Government of the Federal Republic of Yugoslavia, in my letter addressed to you as well as in our direct talks. First of all, it is a fact that the Commission has not been established in compliance with international law. Furthermore, in its opinions Nos. 1 to 10, the Commission has essentially violated the legal norms of international law, in respect of both procedure as well as the implementation of material law. In practice the opinions of the Commission, as an advisory body of the International Conference on the Former Yugoslavia, on the basis of which the Yugoslav participants at the Conference were to adopt relevant decisions by consensus taking also into account the Commission's opinion, were taken as judgements and served as a basis for making concrete decisions on relevant issues concerning the Yugoslav crisis.

Our side has particularly underlined the fact that the Government of the Federal Republic of Yugoslavia considers unjustifiable and unacceptable resort to any court mechanism, prior to substantiated and comprehensive discussion on the principles on the basis of which the property of the Federal Republic of Yugoslavia should be ceded to successor States.

I would like also to recall that the Government of the Federal Republic of Yugoslavia and its representatives have underlined on several occasions that outstanding and pending questions that may arise in the work of the International Conference on the Former Yugoslavia could be solved, following a substantiated and comprehensive discussion, within a court procedure in accordance with international law.

For all the above reasons, the Government of the Federal Republic of Yugoslavia considers the opinions of the so-called Badinter Commission and the decisions and acts of other subjects based thereupon, null and non-binding for the Federal Republic of Yugoslavia.

Confident that, this time again, you will show understanding, please accept, Excellencies, the assurances of my highest consideration.

Vladislav JOVANOVIC
Deputy Prime Minister and
Minister for Foreign Affairs of the
Federal Republic of Yugoslavia

Enclosure

Statement of 30 April 1993 by the Government of the Federal Republic of Yugoslavia

As stated by the delegation of the Federal Republic of Yugoslavia at the Brussels meeting of the Conference on Yugoslavia and at the London Conference on Yugoslavia, the Federal Republic of Yugoslavia does not recognize the jurisdiction of the Arbitration Commission, known as the Badinter Commission, in the assets and liabilities division procedure and is not agreed that the Commission issue advisory opinions on the principles on the basis of which succession of States would be effected between the Socialist Federal Republic of Yugoslavia, as the predecessor State, on the one hand, and the secessionist former Yugoslav republics, as successor States, on the other.

The Government of the Federal Republic of Yugoslavia also deems unacceptable that the question of principles relevant for the succession procedure be discussed before any body, prior to substantial discussion of these principles within the Succession Group of the Conference on Yugoslavia.

The Government of the Federal Republic of Yugoslavia wishes to recall that in the sense of international law the Arbitration Commission was not established or composed for arbitration purposes, while in its work within the Conference on Yugoslavia so far it has been seriously in breach of both the law of procedure and the implementation of material law.

The Federal Government reiterates the position of the Federal Republic of Yugoslavia presented at the meeting of the Conference on Yugoslavia in Brussels and at the London Conference that all disputes that may arise vis-à-vis the division of assets and liabilities should be referred by agreement either to the Permanent Court of Arbitration in The Hague or to an ad hoc arbitration court.

The Government of the Federal Republic of Yugoslavia considers arbitration proceedings in the settlement of the contentious issues that may arise in the work of the Conference on Yugoslavia as proceedings before a court of law in the sense of general international law and not as proceedings before the Arbitration Commission presided by Mr. Badinter.

We recall in its reply to the letter of Mr. Badinter, President of the Commission, of 3 June 1992, that it considers the opinions of the Commission doctrinary in the sense of article 38 (d) of the Statute of the International Court of Justice, which do not constitute a legal ground for any valid decision. The Federal Republic of Yugoslavia shall consider null and void and non-binding any opinion of the Commission adopted in the procedure to which it has not agreed.